

William P. Rossini
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ATTORNEYS FOR DEBTOR

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS

IN RE:	§	
	§	
ROBERT EDWIN JACOBSEN	§	Case No. 07-41092
Last 4 Digits of Tax ID No.	§	
15162 Snowhill Drive	§	
Frisco, Texas 75035	§	
	§	
Debtor	§	Chapter 13

MOTION TO SELL REAL PROPERTY

COMES NOW ROBERT EDWIN JACOBSEN, Debtor in the above-captioned
bankruptcy case and submits this Motion for Leave to sell his interest in certain real property as
follows:

1. Debtor commenced this Chapter 13 proceeding May 25, 2007.
2. Debtor may be the owner of a community interest in a certain house and lot with
the street address of 2324 Tice Valley Blvd., Walnut Creek California 94595 (the “Property”).
The legal description of the Property is attached hereto on Exhibit “A”.
3. The wife of the Debtor, Alise Malikyar, has entered into a contract to sell the
Property with Richard M. Davis, Jr. and Rose Barbara Steben as purchasers.
4. A correct duplicate of the Estimated Statement for the proposed Sale is attached
hereto as Exhibit “B”.

5. The Sale with benefit the Estate because Robert Edwin Jacobsen is projected to earn a commission of \$38,700 in connection with the Sale.

6. In a separate Motion, the Debtor requests that this Motion be heard on an expedited basis because there is very little or no equity in the Property and continuing delay will further erode or eliminate the equity cushion of the Property. Once the equity cushion is eroded, depending on circumstances such as possible reduction of certain fees, the Sale may be entirely lost which would cause an eventual foreclosure of the Property.

7. Further, if the proposed Sale does not close very soon, the buyers will not go forward with the purchase of the Property. Due to the eroding equity cushion in the Property, it is probable that the Property will be foreclosed if the Sale is lost.

WHEREFORE, PREMISES CONSIDERED, the Debtor prays that he be authorized to sell his interest in that certain real Property in Walnut Creek, California described herein, and that he have such other and further relief, at law and equity, to which he is entitled.

Respectfully submitted,

ROSSINI & WAGNER PC
1201 Main Street, Suite 2470
Dallas, Texas 75202
(214) 979-7300 - Telephone
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By: /s/ William P. Rossini
William P. Rossini
State Bar No. 17309480
ATTORNEYS FOR ROBERT E. JACOBSEN,
DEFENDANT

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Motion was served upon all the parties listed on the Matrix:

Greg R. Arnove
Office of the Standing Chapter 13 Trustee
500 N. Central Expressway, Suite 350
Plano, Texas 75074

via U.S. Regular First Class Mail, on the 8th day of August, 2007.

/s/ William P. Rossini
William P. Rossini

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Legal Description:

PARCEL ONE: PORTION OF THE RANCHO SAN RAMON, DESCRIBED AS FOLLOWS: BEGINNING ON THE WEST LINE OF LOT 4 AS SHOWN ON THE MAP OF WALNUT CREEK PARK, FILED FEBRUARY 7, 1911, IN BOOK 1 OF MAPS, PAGE 84, IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, AT THE NORTH LINE OF THE PARCEL OF LAND DESCRIBED AS PARCEL ONE IN THE DEED FROM H.W. HABERLAND, ET UX, TO VICTOR MASSOLA, ET UX, RECORDED MARCH 19, 1955 (FILE NO. 30583); THENCE ALONG THE WEST LINE OF SAID LOT 4 AS FOLLOWS: NORTH 21 DEGREES 56 MINUTES EAST, 119.44 FEET; NORTH 23 DEGREES 08 MINUTES EAST, 84.3 FEET AND NORTH 60 DEGREES 11 MINUTES EAST, 16.33 FEET TO THE NORTH LINE OF THE 2 ACRE PARCEL OF LAND DESCRIBED IN THE DEED FROM KATE HENRY TO H.W. HABERLAND, ET UX, RECORDED AUGUST 29, 1918, IN BOOK 319 OF DEEDS, PAGE 467; THENCE ALONG SAID NORTH LINE SOUTH 83 DEGREES 53 MINUTES 07 SECONDS WEST, 210.07 FEET AND SOUTH 84 DEGREES 08 MINUTES 25 SECONDS WEST, 41.35 FEET; THENCE SOUTH 5 DEGREES 51 MINUTES 55 SECONDS EAST, 126.62 FEET; THENCE SOUTH 7 DEGREES 03 MINUTES 05 SECONDS WEST, 52.9 FEET TO THE NORTH LINE OF SAID MASSOLA PARCEL (FILE NO. 30583); THENCE NORTH 86 DEGREES 23 MINUTES 05 SECONDS EAST, ALONG SAID NORTH LINE, 175.11 FEET TO THE POINT OF BEGINNING. PARCEL TWO: RIGHT OF WAY GRANTED IN THE DEED TO WALTER CLARENCE HABERLAND, ET UX, RECORDED JUNE 6, 1955, BOOK 2547, OFFICIAL RECORDS, PAGE 366, AS FOLLOWS: 'A RIGHT OF WAY (NOT TO BE EXCLUSIVE) AS AN APPURTENANCE TO PARCEL ONE ABOVE FOR USE AS A ROADWAY FOR VEHICLES OF ALL KINDS, PEDESTRIANS AND ANIMALS FOR WATER, GAS, OIL, AND SEWER PIPE LINES, AND FOR TELEPHONE, TELEVISION SERVICE, ELECTRIC LIGHT AND POWER LINES, TOGETHER WITH THE NECESSARY POLES OR CONDUITS TO CARRY SAID LINES OVER A STRIP OF LAND 6 FEET IN WIDTH, THE EAST LINE OF WHICH IS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 6 IN THE CENTER LINE OF THE CREEK TRAVERSING THE WESTERLY LINE OF SAID SUBDIVISION AND BEING A CORNER COMMON TO LOTS 4 AND 6 OF SAID SUBDIVISION; THENCE FROM SAID POINT OF COMMENCEMENT ALONG THE CENTER LINE OF SAID CREEK AND ALONG THE WESTERLY LINE OF SAID LOT 4, NORTH 21 DEGREES 56 MINUTES EAST, 10.66 FEET; THENCE SOUTH 86 DEGREES 23 MINUTES 05 SECONDS WEST 175.11 FEET TO THE ACTUAL POINT OF BEGINNING OF THE HEREIN DESCRIBED EAST LINE; THENCE FROM SAID POINT OF

EXHIBIT

A

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BEGINNING, NORTH 7 DEGREES 03 MINUTES 05 SECONDS EAST, 52.9 FEET. PARCEL THREE: RIGHT OF WAY GRANTED IN THE DEED TO WALTER CLARENCE HABERLAND, ET UX, RECORDED JUNE 6, 1955, BOOK 2547, OFFICIAL RECORDS, PAGE 366, AS FOLLOWS: 'A RIGHT OF WAY (NOT TO BE EXCLUSIVE) AS AN APPURTENANCE TO PARCEL ONE ABOVE, FOR USE AS A ROADWAY FOR VEHICLES OF ALL KINDS, PEDESTRIANS AND ANIMALS, FOR WATER, GAS, OIL AND SEWER PIPE LINES, AND FOR TELEPHONE, TELEVISION SERVICE, ELECTRIC LIGHT AND POWER LINES, TOGETHER WITH THE NECESSARY POLES AND CONDUITS TO CARRY SAID LINE OVER A STRIP OF LAND 12 FEET IN WIDTH, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 6 IN THE CENTER LINE OF THE CREEK TRAVERSING THE WESTERLY LINE OF SAID SUBDIVISION AND BEING A CORNER COMMON TO LOTS 4 AND 6 OF SAID SUBDIVISION; THENCE FROM SAID POINT OF COMMENCEMENT ALONG THE CENTER LINE OF SAID CREEK AND ALONG THE WESTERLY LINE OF SAID LOT 4, NORTH 21 DEGREES 56 MINUTES EAST, 10.66 FEET; THENCE SOUTH 86 DEGREES 23 MINUTES 05 SECONDS WEST, 175.11 FEET TO THE ACTUAL POINT OF BEGINNING OF THE HEREIN DESCRIBED LINE; THENCE FROM SAID POINT OF BEGINNING, SOUTH 7 DEGREES 03 MINUTES 05 SECONDS WEST, 90.69 FEET AND SOUTH 11 DEGREES 00 MINUTES 10 SECONDS EAST, 119.12 FEET TO THE SOUTH LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM WILLIAM E. HAMPTON, ET UX, TO H.W. HABERLAND, ET UX, RECORDED MAY 31, 1945, IN BOOK 600 OF OFFICIAL RECORDS, PAGE 306.' PARCEL FOUR: 'THE RIGHT TO USE ANY BRIDGE OR BRIDGES NOW OR HEREAFTER LOCATED ON SAID PROPERTY, SAID RIGHT OF WAY TO BE USED IN CONJUNCTION WITH THE PARTIES OF THE SECOND PART, THEIR HEIRS OF ASSIGNS', AS RESERVED UNTO H.W. HABERLAND, ET UX, IN THE DEED FROM SAID H.W. HABERLAND, ET UX, TO EDMUND G. HAMPTON, ET UX, DATED OCTOBER 19, 1938, RECORDED NOVEMBER 3, 1937, IN BOOK 486, OF OFFICIAL RECORDS, PAGE 240. PARCEL FIVE: RIGHT OF WAY GRANTED IN THE DEED TO WALTER CLARENCE HABERLAND, ET AL, RECORDED NOVEMBER 3, 1955, BOOK 2642, OFFICIAL RECORDS, PAGE 420, AS FOLLOWS: 'A RIGHT OF WAY (NOT TO BE EXCLUSIVE) AS AN APPURTENANCE TO PARCEL ONE ABOVE, FOR USE AS A ROADWAY FOR VEHICLES OF ALL KINDS, PEDESTRIANS AND ANIMALS, AND AS A RIGHT OF WAY FOR WATER, GAS, OIL AND SEWER PIPE LINES AND FOR TELEPHONE, ELECTRIC LIGHT AND POWER LINES TOGETHER WITH THE NECESSARY POLES OR UNDERGROUND CONDUITS TO CARRY SAID LINES OVER AND UNDER A STRIP OF LAND 12 FEET WIDE, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHERN TERMINUS OF THE CENTER LINE OF PARCEL THREE ABOVE; THENCE SOUTH 16 DEGREES 46 MINUTES 24 SECONDS EAST, 55.08 FEET, SOUTH 16 DEGREES 47 MINUTES 26 SECONDS EAST, 58.29 FEET, SOUTH 26 DEGREES 18 MINUTES 21 SECONDS EAST, 93.22 FEET, SOUTH 19 DEGREES 38 MINUTES 21 SECONDS EAST, 53.10 FEET, SOUTH 4 DEGREES 31 MINUTES 10 SECONDS WEST, 143.64 FEET AND SOUTH 27 DEGREES 20 MINUTES EAST, 75.17 FEET TO THE CENTER LINE OF RIDGE ROAD, ALSO KNOWN AS TICE VALLEY BOULEVARD. THE EASTERN AND WESTERN LINES THEREOF TO BE LENGTHENED OR SHORTENED TO EXTEND FROM THE EXTERIOR LINES OF SAID PARCEL THREE TO THE CENTER LINE OF RIDGE ROAD.'

North American Title Company

1605 Tice Valley Blvd • Walnut Creek, CA 94595

Seller's Estimated Settlement Statement**Property:** 2324 Tice Valley Blvd, Walnut Creek, CA 94595**File No:** 54715-701996**Officer:** Angel Avery/aca**New Loan No:** 1008981**Settlement Date:****Disbursement Date:** 08/30/2007**Print Date:** 8/2/2007, 1:40 PM**Buyer:** Richard M Davis, Jr ; Barbara Rose Steben**Address:****Seller:** Alise Malikyar**Address:** 2324 Tice Valley Blvd., Walnut Creek, CA 94595

Charge Description	Seller Charge	Seller Credit
Consideration:		
Total Consideration		1,290,000.00
Adjustments:		
Seller credit buyer	6,249.00	
Prorations:		
County Tax-2nd installment 06-07 07/01/07 to 08/31/07 @\$4545.52/semi	1,515.17	
Commission:		
Commission Paid at Settlement to Coldwell Banker	38,700.00	
Commission Paid at Settlement to Robert Jacobsen	38,700.00	
Payoff Loan(s):		
Lender: Greenpoint Mortgage Funding, Inc.		
Principal Balance-1st MTG - Greenpoint Mortgage Funding, Inc.	746,249.99	
additional Interest 07/06/07 to 08/31/07 @\$117.560000/day - Greenpoint Mortgage Funding, Inc.	6,700.92	
Interest to 7-6-07 @\$0.000000/day - Greenpoint Mortgage Funding, Inc.	4,163.58	
Fax Fee - Greenpoint Mortgage Funding, Inc.	40.00	
Statement/Forwarding Fee - Greenpoint Mortgage Funding, Inc.	40.00	
Reconveyance Fee - Greenpoint Mortgage Funding, Inc.	45.00	
Prepayment Pen-waived if send Purch Contract - Greenpoint Mortgage Funding, Inc.	17,163.75	
Recording Fee - Greenpoint Mortgage Funding, Inc.	21.00	
Lender: Coast Capital Ltd		
Principal Balance-2nd MTG-Need Statement - Coast Capital Ltd	147,178.07	
Statement/Forwarding Fee - Coast Capital Ltd	4.60	
Lender: Wells Fargo Bank, N.A.		
Principal Balance-3rd MTG - Wells Fargo Bank, N.A.	250,000.00	
Interest on Payoff Loan @\$55.580000/day - Wells Fargo Bank, N.A.	1,333.97	
Interest on Payoff Loan 06/22/07 to 08/31/07 @\$55.580000/day - Wells Fargo Bank, N.A.	3,946.18	
Statement/Forwarding Fee - Wells Fargo Bank, N.A.	30.00	
Reconveyance Fee - Wells Fargo Bank, N.A.	54.00	
Prepayment Penalty - Wells Fargo Bank, N.A.	500.00	
Fax Fee - Wells Fargo Bank, N.A.	10.00	
Lender: Stacy Adams		
Principal Balance - Stacy Adams	38,750.00	
Interest on Payoff Loan @\$10.000000% - Stacy Adams	721.92	
Interest on Payoff Loan 07/16/07 to 07/23/07 @\$10.620000/day - Stacy Adams	84.96	
Recording Fees - Stacy Adams	37.00	
Title/Escrow Charges to:		
Notary Fee - North American Title Company	50.00	
Courier/Overnight Fee - North American Title Company	75.00	
Domestic Wire Fee - North American Title Company	50.00	
Processing Fee - North American Title Company	150.00	
Recording Reconveyance - North American Title Company	25.00	
Transfer Tax-County Calculated - North American Title Company	1,428.90	
Disbursements Paid:		
Hazard Disclosure to Property ID	125.00	
debt to Lis Pendence	1.00	
Tax Installment: Amount 06/07 to Contra Costa County	POC-S \$4,545.52	
Tax Collector		
Pest Inspection for Vista Bella to Contra Costa Termite Control	495.00	
Home Warranty to American Home Shield	330.00	

Initials: _____

EXHIBIT**B**

Seller's Estimated Settlement Statement

Settlement Date:

Print Date: 8/2/2007

File No: 54715-701996

Officer: Angel Avery/aca

Charge Description	Seller Charge	Seller Credit
Cash (To) (X From) Seller		14,969.01
Totals	1,304,969.01	1,304,969.01

Notice - This Estimated Settlement Statement is subject to changes, corrections or additions at the time of final computation of the Settlement Statement

SELLER(S):

Alise Malikyar